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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/705,564

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Rodric C. Fan

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EXAMINER

HO, HUY C

ART UNIT

PAPER NUMBER

2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/705,564	<b>Applicant(s)</b> FAN, RODRIC C.	
	<b>Examiner</b> HUY C. HO	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09/29/2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-26 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-8, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/14/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. In view of the Appeal Brief filed on 09/29/2010, PROSECUTION IS HEREBY REOPENED. The new ground(s) of rejection is made in view of Lee et al. (US 6,374,177) are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below: /Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection

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of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1-8, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 6,374,177).**

**Regarding claim 1**, Lee teaches a location-specific frequency tuning system (*Lee, the abstract, figures 1, 2*), comprising:

a location unit (*Lee, figure 2, number 110*);

a wireless interface to a wide area network (*Lee, figure 3, number 180a*);

a user interface (*Lee, figure 2, number 160*);

a mobile receiving unit tuned to receive a broadcast signal based on a selected frequency provided as input to the mobile receiving unit (*Lee, figure 2, number 164, col 9 lines 1-23*); and

a frequency selection unit coupled to said mobile receiving unit (*Lee, figure 2, number 164, col 9 lines 1-67*), said frequency selection unit:

receiving a current location from the location unit (*Lee, figure 2, number 110, col 8 lines 25-50*);

receiving tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic regions through the wireless interface at the current location from a database on the wide area network (*Lee, figure 2, col 8 lines 25-50, col 9 lines 1-67, figure 3, col 10 lines 30-67*);

selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies (*Lee, col 1 lines 15-30, col 6 lines 40-50*);

arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies (*Lee, figure 2, col 9 lines 8-55*);

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generating a menu comprising each of said plurality of arranged frequencies and descriptions of specific broadcast format information corresponding to each of said plurality of arranged frequencies (*Lee, figure 2, col 9 lines 8-55, figure 5, col 14 lines 10-45*);

outputting said menu to a user through said user interface (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*);

selecting one of said plurality of arranged frequencies based on a user selection (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*), and

tuning said mobile receiving unit to said selected arranged frequency (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 2**, Lee teaches the system of claim 1 wherein the selected frequency is the transmission frequency of a frequency modulated (FM) broadcast station (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 3**, Lee teaches the system of claim 1 wherein the selected frequency is a transmission frequency of a satellite transmitter (*Lee, figures 1, 3, col 10 lines 40-67, col 11 lines 1-50*).

**Regarding claim 4**, Lee teaches the system of claim 1 further comprising receiving from the frequency selection unit data arranged as radio signal content categories, and to output a menu of the radio signal content categories to a listener (*Lee, figure 2, col 9 lines 8-55*).

**Regarding claim 5**, Lee teaches the system of claim 1 wherein at least a portion of the menu is output on a visual display (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 6**, Lee teaches the system of claim 1 wherein at least a portion of the menu is audibly output by the user interface (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 7**, Lee teaches the system of claim 1 further comprising a user interface electrically coupled to receive and relay to the frequency selection unit a user command to select a particular content category in an arrangement of radio signal content categories stored in the frequency selection unit (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 8**, Lee teaches the system of claim 7 wherein the command is a verbal

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command (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 31**, Lee teaches the system of claim 1, wherein the geographic position information is provided using global positioning system information (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

**Regarding claim 32**, Lee teaches the system of claim 1, wherein the geographic position information is provided using cellular wireless communications system information (*Lee, figure 2, col 8 lines 25-67, col 9 lines 1-67*).

#### ***Allowable Subject Matter***

Claims 17-28 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: prior art of record does not teach or suggest selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas, said localized tuning data corresponding to signals having several broadcast forms; arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas; selecting localized content information from said arranged localized tuning data when said system moves to a new reception area among said plurality of reception areas, said selected localized content information comprising a plurality of localized content-specific frequencies corresponding to said user-selected content category information and said new reception area, and said selected localized content information further comprising a description of specific broadcast format information for each of said plurality of localized content-specific frequencies.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy C Ho/

Examiner, Art Unit 2617

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617